

s.21(1)(a)

**Cloutier, Manon**

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**From:** Zaluski, Stephen  
**Sent:** 2014-Feb-13 2:18 PM  
**To:** 'Côté, Yves'  
**Subject:** RE: Aurais-tu 10 min pour me parler après 5:10 pm auj

Absolument, Yves – je suis disponible n'importe quand après 17h10. J'attendrai ton appel.

S

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**From:** Côté, Yves [mailto:Yves.Cote@elections.ca]  
**Sent:** February 13, 2014 12:53 PM  
**To:** Zaluski, Stephen  
**Subject:** Aurais-tu 10 min pour me parler après 5:10 pm auj



Laisse-moi savoir si tu as du temps pour qu'on se parle entre 17h10 et 17h45 (ou demain matin).

Merci beaucoup.

Y

Yves Côté, c.r., Q.C.  
Commissaire aux élections fédérales / Commissioner of Canada Elections  
30 Victoria  
Gatineau, QC  
K1A 0M6  
819 939-1800

**Cloutier, Manon**

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**From:** Zaluski, Stephen  
**Sent:** 2014-Sep-03 5:34 PM  
**To:** Cote, Yves (CCE - CEF)  
**Subject:** RE: Picture ballo

Sorry, Yves. I know of nothing on this front, and I have quickly checked with Ray and Erin, who are also drawing blanks.

Désolé – et bonne soirée.

S

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**From:** Côté, Yves [mailto:Yves.Cote@cef-cce.gc.ca]  
**Sent:** September 3, 2014 4:33 PM  
**To:** Zaluski, Stephen  
**Subject:** Picture ballo

Stephen,

Do you know of any advice, learned (or not so learned) commentary or court decision on constitutionality of provision preventing the taking of a picture of one's ballot – whether in Canadian, US or other context?

Don't do any research. Just let me know if you know of anything.

Merci.

Y

Yves Côté, c.r., Q.C.  
Commissaire aux élections fédérales / Commissioner of Canada Elections  
30 Victoria  
Gatineau, QC  
K1A 0M6  
819 939-1800

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**Cloutier, Manon**

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**From:** Zaluski, Stephen  
**Sent:** 2014-Sep-11 6:23 PM  
**To:** Cote, Yves (CCE - CEF); [REDACTED]@sympatico.ca'  
**Subject:** Re: Quick question and reaction

Sirs -

The answer is clear. We will not need the full 4 minutes.

S

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**From:** Côté, Yves [mailto:Yves.Cote@cef-cce.gc.ca]  
**Sent:** Thursday, September 11, 2014 05:09 PM  
**To:** Zaluski, Stephen; [REDACTED]@sympatico.ca <[REDACTED]@sympatico.ca>  
**Subject:** Quick question and reaction

Stephen, [REDACTED]

I wd much appreciate a quick reaction from you on this.

Para 164(2)(b) of *CEA* reads:

Except as provided by this Act, no elector shall

...

(b) show his or her ballot, when marked so as to allow

the name of the candidate for whom the elector has voted  
to be known

Does this wording apply to the taking of a picture of their ballot by an elector, and then to the "showing" of the picture to others afterward? Or is it limited to the showing of the actual ballot?

Let's spend 4 minutes on this tonight.

Y

Yves Côté, c.r., Q.C.  
Commissaire aux élections fédérales / Commissioner of Canada Elections  
30 Victoria  
Gatineau, QC  
K1A 0M6  
819 939-1800

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**Cloutier, Manon**

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**From:** Zaluski, Stephen  
**Sent:** 2015-Feb-17 7:44 AM  
**To:** Cote, Yves (CCE - CEF)  
**Subject:** RE: Nouvelle & Une question

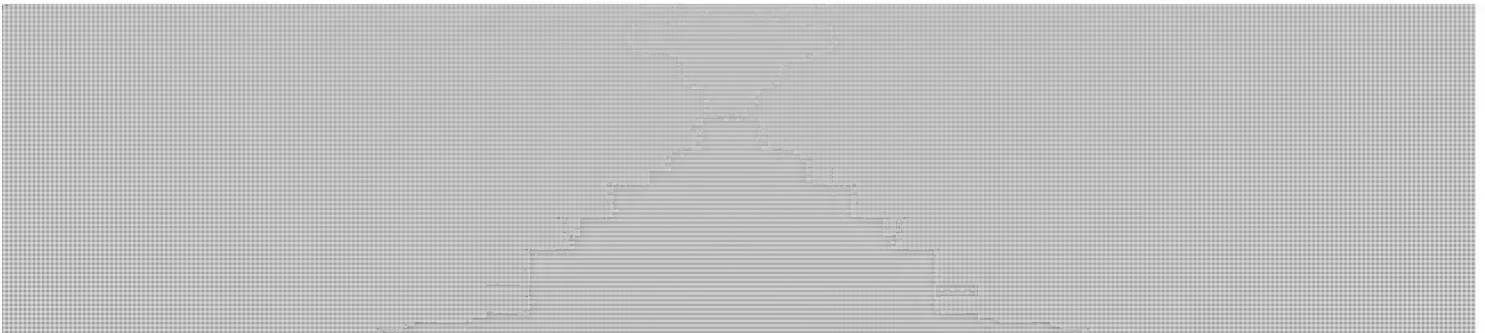
Excellent - 

S

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**From:** Côté, Yves [mailto:Yves.Cote@cef-cce.gc.ca]  
**Sent:** February 17, 2015 6:25 AM  
**To:** Zaluski, Stephen  
**Subject:** RE: Nouvelle & Une question

Stephen,

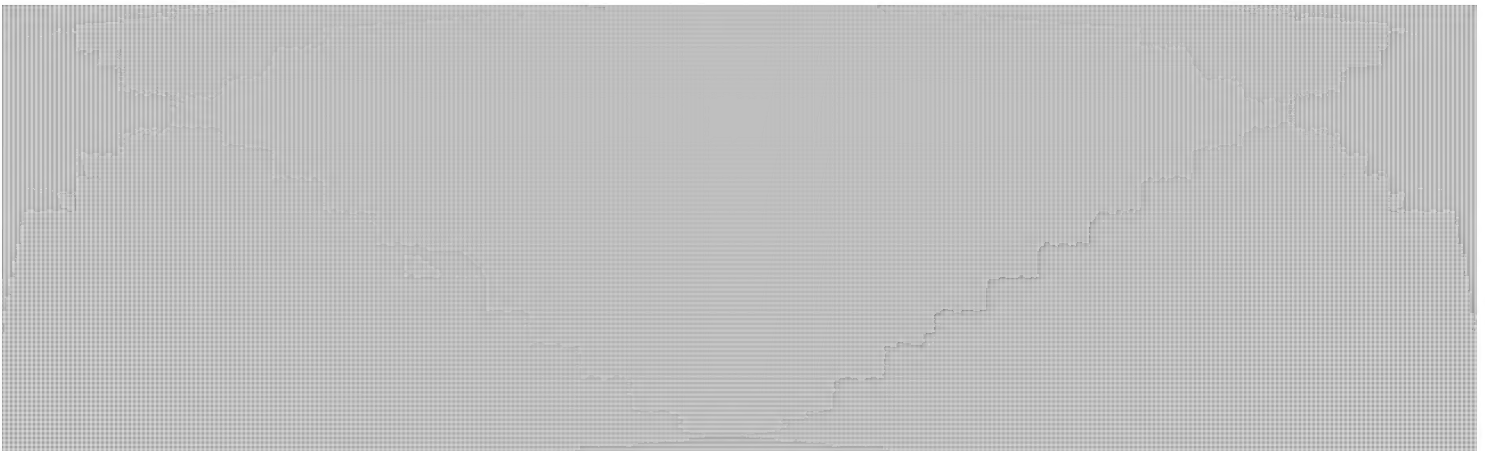


Y

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**From:** Zaluski, Stephen [mailto:Stephen.Zaluski@justice.gc.ca]  
**Sent:** 16 février 2015 20:22  
**To:** Côté, Yves  
**Subject:** RE: Nouvelle & Une question

Bonjour Yves -



[REDACTED]

À plus tard,

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S

[REDACTED]

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**From:** Côté, Yves [Yves.Cote@cef-cce.gc.ca]

**Sent:** 16 February 2015 16:09

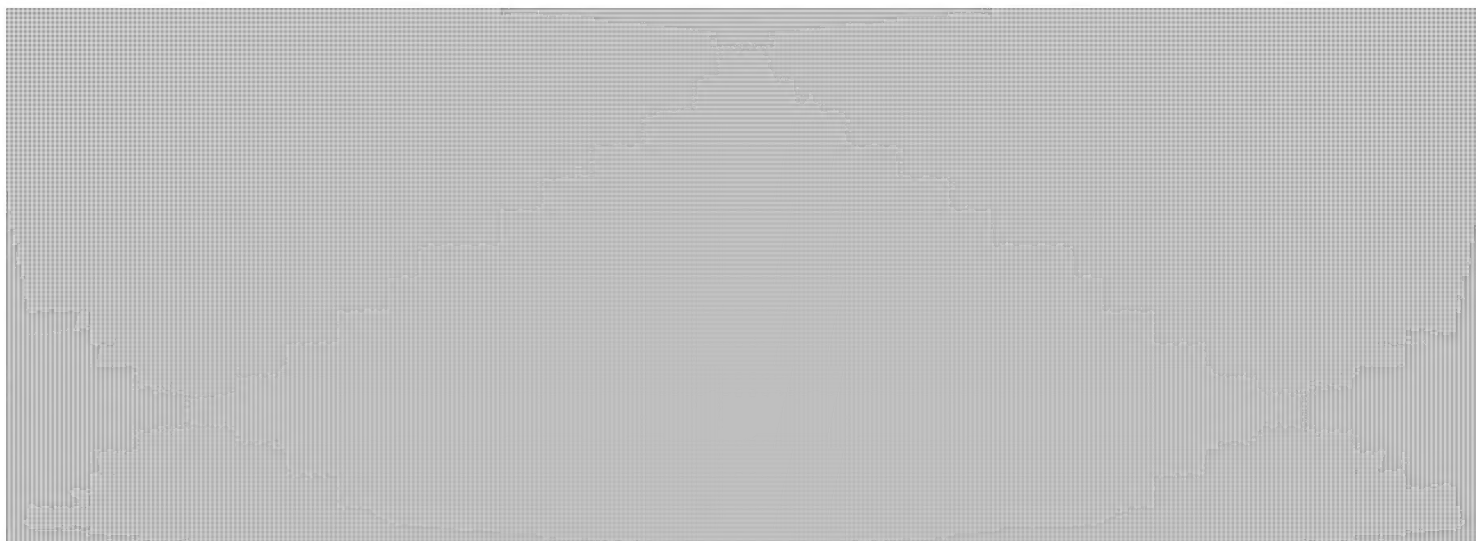
**To:** Zaluski, Stephen

**Subject:** Nouvelle & Une question

Stephen,

[REDACTED]

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Merci beaucoup, Stephen.

Y

## Cloutier, Manon

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**From:** Zaluski, Stephen  
**Sent:** 2016-Aug-31 5:00 PM  
**To:** Cote, Yves (CCE - CEF)  
**Subject:** RE: Structural questions

Sure – I will call you at 5:15. Thanks!

S

**From:** Côté, Yves [mailto:Yves.Cote@cef-cce.gc.ca]  
**Sent:** August 31, 2016 4:51 PM  
**To:** Zaluski, Stephen <Stephen.Zaluski@justice.gc.ca>  
**Subject:** RE: Structural questions

Stephen,

Si tu as deux minutes avant 17 h 30 auj, je pourrais peut-être ajouter quelques info suite à notre discussion de tout à l'heure.

Appelle-moi, si cela te convient.

Y

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**From:** Zaluski, Stephen [mailto:Stephen.Zaluski@justice.gc.ca]  
**Sent:** 31 août 2016 07:15  
**To:** Côté, Yves  
**Cc:** Harris, Randall  
**Subject:** RE: Structural questions

Merci beaucoup, Yves – ça sera très utile pour nous informer et nous préparer pour la discussion

Bonne journée, monsieur.

S

**From:** Côté, Yves [mailto:Yves.Cote@cef-cce.gc.ca]  
**Sent:** August 31, 2016 6:37 AM  
**To:** Zaluski, Stephen <Stephen.Zaluski@justice.gc.ca>; Harris, Randall <Randall.Harris@justice.gc.ca>  
**Subject:** RE: Structural questions

Stephen and Randall,

En prévision de notre discussion plus tard aujourd'hui, vous auriez intérêt à prendre connaissance des dispositions législatives suivantes, concernant l'organisation de mon bureau.

### *Loi électorale*

509.1 – probablement la disposition la plus intéressante pour notre discussion – le commissaire est administrateur général pour certaines questions

509.5 – le commissaire peut autoriser des employés du DPP à lui fournir certains services

510(3) – indépendance du commissaire vis-à-vis du DPP relativement à la conduite des enquêtes

*Loi sur le directeur des poursuites pénales*

16(1.1) – rapport annuel – préparé par le commissaire indépendamment du DPP

Ai bien hâte à notre discussion.

Bon début de journée.

Y

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**From:** Zaluski, Stephen [<mailto:Stephen.Zaluski@justice.gc.ca>]

**Sent:** 30 août 2016 16:57

**To:** Côté, Yves

**Subject:** RE: Structural questions

Merci bien.

Nous ferons le suivi avec RH ici.

S

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**From:** Côté, Yves [<mailto:Yves.Cote@cef-cce.gc.ca>]

**Sent:** August 30, 2016 3:58 PM

**To:** Zaluski, Stephen <[Stephen.Zaluski@justice.gc.ca](mailto:Stephen.Zaluski@justice.gc.ca)>

**Subject:** RE: Structural questions

Super, merci.

Note que je n'ai pas envoyé invitation électronique à Randall.

Y

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**From:** Zaluski, Stephen [<mailto:Stephen.Zaluski@justice.gc.ca>]

**Sent:** 30 août 2016 15:43

**To:** Côté, Yves

**Subject:** RE: Structural questions

Salut Yves –

Merci bien!

Mon collègue, Maître Harris, et moi, nous te téléphonerons à 16 h tomorrow.

S



**From:** Côté, Yves [<mailto:Yves.Cote@cef-cce.gc.ca>]  
**Sent:** August 30, 2016 2:23 PM  
**To:** Zaluski, Stephen <[Stephen.Zaluski@justice.gc.ca](mailto:Stephen.Zaluski@justice.gc.ca)>  
**Subject:** RE: Structural questions

Stephen,

Auj : n'importe quelle heure après 15 h 15 et avant 17 h 30.

Demain : avant 09 h 15 et entre 15 h 15 et 17 h 30.

Laisse-moi savoir si cela vous convient.

Y

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**From:** Zaluski, Stephen [<mailto:Stephen.Zaluski@justice.gc.ca>]  
**Sent:** 30 août 2016 09:28  
**To:** Côté, Yves  
**Subject:** RE: Structural questions

Super – merci.

S

**From:** Côté, Yves [<mailto:Yves.Cote@cef-cce.gc.ca>]  
**Sent:** August 30, 2016 9:17 AM  
**To:** Zaluski, Stephen <[Stephen.Zaluski@justice.gc.ca](mailto:Stephen.Zaluski@justice.gc.ca)>  
**Cc:** Cote, Yves (CCE - CEF) <[Yves.Cote@cef-cce.gc.ca](mailto:Yves.Cote@cef-cce.gc.ca)>  
**Subject:** Re: Structural questions

Stephen,

Will be in touch when I am in later today.

Am sure we will find time and I look fwd to our discussion.

Y

Sent from my BlackBerry 10 smartphone on the Rogers network.

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**From:** Zaluski, Stephen  
**Sent:** Monday, August 29, 2016 10:47  
**To:** Côté, Yves  
**Cc:** Harris, Randall  
**Subject:** Structural questions

Hi Yves -

s.19(1)

I'm wondering if you would have a few minutes early this week to speak with my colleague Randall and me about internal arrangements at your office both before and since the Fair Elections Act changes. We'd like to better understand how things work/ed in terms of reporting relationships and delegation of HR and financial authorities.

As you may have guessed, this is not out of idle interest but because we are trying to determine whether there might be a way out of the current dysfunction between the Office of the Commissioner for FJA and the Canadian Judicial Office. We are canvassing possible models that currently exist, and I thought (belatedly) of your office. We'd also be interested in any thoughts you might have as to what might be the more effective arrangements, in your experience. Needless to say, none of this is for attribution but simply to inform our own thinking.

Please let me know if you would have 20 to 30 minutes at some point this week and Randall and I will arrange to call you then.

Thanks, and all the best.

S

P.S.

Sent from my BlackBerry 10 smartphone on the Rogers network.

## Cloutier, Manon

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**From:** Cote, Yves (CCE - CEF)  
**Sent:** 2016-Oct-04 4:10 PM  
**To:** Johnston, Debbie (CCE - CEF); Boutzouvis, Bill (CCE-CEF); Chenier, Marc (CCE CEF); Perrault, Stephane; Lawson, Anne; Ferron, Eric (CCE - CEF); Laliberté, Michelle (CCE - CEF); Zaluski, Stephen  
**Subject:** Selfies at the ballot box - US Court of Appeals - 1st Circuit

Colleagues,

Here is a link to the unanimous decision handed down last week (one month before the federal elections in the US) upholding the right to take selfies in the ballot box in the state of N.H.:

<http://media.ca1.uscourts.gov/pdf.opinions/15-2021P-01A.pdf>

Among the rationales for the decision is the following:

"The ballot-selfie prohibition is like 'burning down the house to roast the pig'"....

To me, at least, the overall basis for the decision is not very convincing... At the same time, one has to acknowledge that the American case-law on "freedom of speech" is quite different from what we have in Canada under "freedom of expression".

Bonne lecture.

Y